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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. CR09-354 RSM
	)	
vs.	)	ORDER
	)	CONTINUING THE PRE-TRIAL
KRISTINE LYNCH,	)	MOTIONS CUTOFF DATE
	)	AND THE TRIAL DATE
Defendant.	)	
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Before this court is a motion to continue the pre-trial motions cutoff date and the trial date presently scheduled for December 14, 2009.

A continuance is also requested as counsel for the defendant is scheduled to begin trial on December 14, 2009 before Judge Linda Lee in Pierce County Superior Court and will, therefore, be unavailable to handle this matter.

Additionally, Ms. Lynch is not in custody.

Further, Ms. Lynch is aware of this motion, has no objection to a continuance, and joins in this motion. Ms. Lynch shall file a waiver of speedy trial.

That the court finds, after a consideration of all relevant information (including the affidavit filed by Brett A. Purtzer in support of the motion for a continuance) and the circumstances of this case, that without this continuance the defendant will be prejudiced and the ability to properly prepare for trial would

1 be impaired. Failure to grant a continuance under these circumstances would  
2 result in a miscarriage of justice. The ends of justice would best be served by the  
3 granting of the motion for continuance to ensure continuity of counsel and  
4 adequate trial preparation. The ends of justice outweigh the best interests of the  
5 public and the defendant in having the matter brought to trial sooner.

6 For these reasons, the court finds the defendant's motion for  
7 continuance should be granted.

8 The pre-trial motions cutoff date of November 5, 2009 is hereby  
9 STRICKEN and the pre-trial motions cutoff date shall be scheduled for December  
10 30, 2009.

11 The trial date scheduled for December 14, 2009 is STRICKEN.  
12 Trial shall be CONTINUED TO January 19, 2010 at 9:00 a.m. in Seattle,  
13 Washington.

14 The period of delay resulting from this continuance from the current  
15 trial date of December 14, 2009 to the new trial date of January 19, 2010, is  
16 hereby excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B)  
17 for purposes of computing the time limitations imposed by the Speedy Trial Act,  
18 18 U.S.C. § 3161-3174.

19 IT IS SO ORDERED.

20 DONE IN OPEN COURT this 1 day of December 2009.

21 

22 RICARDO S. MARTINEZ  
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25 HESTER LAW GROUP, INC., P.S.  
Attorneys for defendant

By: \_\_\_\_\_  
Brett A. Purtzer